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JONES DAY
222 EAST 41ST ST
NEW YORK, NY 10017

EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/657,604

Applicant(s)

BRANDENBURG ET AL.

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 21-25, 28, 29, 31-34, 37 is/are rejected.
- 7) ☒ Claim(s) 17-20, 26, 27, 30, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed on 22 March 2005 has been noted and made of record.
2. Claims 1-37 have been presented for examination.

Response to Arguments

3. Applicant's arguments filed 22 March 2005 have been fully considered but they are not persuasive.
4. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies, such as the identifying HTTP requests that require an electronic signature as well as requests that require other services, are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
5. In response to Applicant's arguments that Cook does not disclose the abovementioned feature, the Examiner refers to column 7. Column 7 discusses another type of service that can be performed on the HTTP requests by an entity other than the seller. According to Cook, the member signs the slip and then acquires a time stamp certificate to include in the data.
6. Therefore, Cook discloses a Web application adapted to identify HTTP requests that require a service (either a digital signature or a time stamp certificate) provided by an entity other than the seller (being execute at a member 110).
7. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on

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combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

8. In response to the Applicant's argument that Tozzoli does not discuss the use of filtering for data requiring signature by the buyer, the Examiner disagrees. Column 13, lines 53-67, discusses appending an electronic signature or other authorization code information to the order data.

9. Thus Tozzoli at least acknowledges including a signature to appropriate data, thereby providing a basis for analogous art.

10. See further rejections that follow.

Claim Rejections

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claim 37 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,675,153 to Cook et al., hereinafter Cook.

13. As per claim 37, Cook teaches a system for integrating a seller's Web site with a public key infrastructure, comprising:

a Web server, see figures 1, blocks 106, 108, 3, blocks 106, 108, see also column 4, lines 42-46, column 5, lines 11-31;

a Web application connected to the Web server, the Web application adapted to identify HTTP requests that include data requiring signature and to create a Web page for transmission to a browser that will cause the browser to invoke a signing interface to sign the data, see figure 2,

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blocks 114, 118, see column 1, line 62 to column 2, line 6, column 5, lines 11-31, column 6, lines 17-28;

the Web application further adapted to identify HTTP requests that require a service provided by an entity other than the seller, see figures 1, block 108, 3, block 108, as well as column 3, lines 7-15; and

a bank interface adapted to receive a request for service from the Web application, format and transmit the request, receive a response to the request, and forward the response to the Web application, see figure 1, blocks 102, 104, 3 blocks 102, 104, as well as column 4, lines 56-64, column 9, line 23 to column 10, line 8.

14. Claims 1- 3, 5-9, 20, 21, 23-25, 28, 29, and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over SET as taught by U.S. Patent No. 6,327,578 to Linehan, hereinafter referred to as SET, in view of U.S. Patent No. 5,717,989 to Tozzoli et al., hereinafter Tozzoli.

15. As per claim 1, SET teaches a system for integrating a seller's Web site with a public key infrastructure, the Web site comprising a Web server and a Web application, the public key infrastructure comprising a buyer computer comprising a Web browser adapted to invoke a signing interface to digitally sign electronic messages, the public key infrastructure further comprising a seller's bank computer system adapted to receive service requests from the seller and respond to those requests with digitally signed service responses; the system comprising:

redirecting HTTP requests received from the Web browser, see figure 1, see also column 3, lines 15-23, i.e. while on the internet, "the merchant's computer **104** forwards the consumer's payment request over internet path **122** during a second step to an acquirer gateway **106** operating on behalf of the acquirer bank **108**";

an Internet server application adapted to receive a redirected HTTP request and process the redirected HTTP request, see figure 1, see also column 3, lines 23-32, i.e. "The acquirer gateway **106** passes the consumer's payment request to the acquirer bank **108** over a private network path **122**'. The acquirer bank **108** sends the consumer's payment request to the card issuing bank **112** over the private network path **124** to check whether the consumer's credit or debit card account is active and sufficient for the proposed transaction with the merchant. The issuing bank **112**, as the card issuer, authorizes the transaction in a message sent over the private path **126** to the acquiring bank **108**. The acquiring bank **108** sends the transaction authorization over private path **128**' to the acquirer gateway **106**, signing the message with the acquiring bank's digital signature";

receiving the processed HTTP request and identify an HTTP request that contains data requiring signature by the buyer, see figure 1 and column 3, lines 32-39, i.e. "The acquirer gateway **106** forwards it over the internet path **128** to the merchant, authorizing from the merchant to proceed with the transaction. Once the merchant has received the transaction authorization from the acquirer gateway **106**, the merchant completes the sales transaction with the consumer."

16. SET does not disclose the use of a filter or filter engine.

17. Tozzoli discusses the use of filtering when processing transactions over the Internet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include filtering, since Tozzoli discloses in column 11, lines 52-57 that such a modification allows the merchant to verify and access data fields quickly and process the order accurately.

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18. Regarding claim 2, SET discloses a bank interface adapted to receive the request and transmitting the request to the seller's bank in figure 1, blocks 106, 122', and 142', as well as column 3, lines 13-47.

19. Tozzoli discloses the filter engine and reformatting the request in figures 3a-3c, column 7, line 42 to column 8, line 3, column 11, lines 52-58, and column 12, line 64 to column 13, line 4.

20. With regards to claim 3, SET teaches wherein the bank interface is further adapted to receive a service response to the request from the seller's bank and forward the response to the filter engine, see figure 1, as well as column 3, lines 13-47.

21. Regarding claim 5, Tozzoli teaches a second Web server adapted to parse requests redirected by the filter, see figure 5, as well as column 7, line 53 to column 8, line 12.

22. Regarding claim 6, SET teaches wherein services provided by the seller's bank are provided within the context of a four-corner model, see figure 1.

23. With regards to claim 7, SET teaches wherein the four-corner model comprises the buyer, the seller, the seller's bank, and a buyer's bank, see figure 1, where the buyer is the consumer, block 102, the seller is the merchant, block 104, the seller's bank is the acquiring bank, block 108, and the buyer's bank is the issuing bank, block 112.

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24. Regarding claim 8, neither SET nor Tozzoli disclose wherein the filter is implemented using ISAPI.

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the filter using ISAPI, since it has been held that ISAPI is an easy-to-use, high performance interface for back-end applications and has significant performance advantages over the CGI specification, such as having its own dynamic-link library.

26. Regarding claim 9, SET teaches wherein the Internet service application is adapted to generate HTTP responses based on data received from the filter engine, see column 3, lines 13-47.

27. Regarding claim 20, SET teaches wherein the filter engine is adapted to return an object to the servlet, see column 3, lines 28-36.

28. With regards to claim 21, SET teaches wherein the object comprises an integer value indicating one of four conditions: that a signature is required on data in the HTTP request, that a response has been received from the seller's bank concerning a service request, that the HTTP request has been passed through to the Web application, or that an error occurred, see column 3, lines 28-47.

29. Regarding claim 23, Tozzoli and SET do not teach wherein the filter engine determines whether an HTTP request contains data requiring signature by applying filtering rules.

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30. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the filter engine determine if the data required a signature, since SET discloses at column 3, lines 62-47 that such a modification would ensure that the transaction was authorized by the appropriate user.

31. Regarding claim 24, Tozzoli and SET do not teach wherein the filter engine is programmed to recognize each HTTP request that includes data requiring signature.

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the filter engine recognize that the data has a digital signature, since SET discloses at column 3, lines 62-47 that such a modification would ensure that the transaction was authorized by the appropriate user.

33. Regarding claim 25, Tozzoli and SET do not teach wherein the filter engine is programmed to recognize HTTP requests transmitted by the Web browser that have been modified to include a special tag that indicates whether the request includes data that requires signature.

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the filter engine recognize special tags that indicate the request for a digital signature, since SET discloses at column 3, lines 62-47 that such a modification would ensure that the transaction was authorized by the appropriate user.

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35. Regarding claim 28, neither SET nor Tozzoli teach wherein the filter engine provides an abstracted front-end interface via java remote method invocation.

36. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the filter to comprise of an abstracted front-end, since it has been held that an abstracted front-end is an easy-to-use, high performance interface for linking to back-end applications.

37. Regarding claim 29, Tozzoli teaches wherein the filter engine employs a rules class, see column 11, line 52 to column 12, line 11.

38. Regarding claim 31, neither SET nor Tozzoli teach wherein the bank interface is designed with a plug-in based architecture.

39. Linehan discloses wherein the bank interface is designed with a plug-in based architecture. It would have been obvious to one of ordinary skill in the art at the time the invention was made to design the bank interface with a plug-in based architecture, since Linehan discloses at column 9, lines 3-28 that such a modification would allow the bank to operate with foreign consumers.

40. Regarding claim 32, SET and Tozzoli do not teach wherein the bank interface supports an abstract front-end interface to allow communication via a plurality of middleware technologies.

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41. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the filter to comprise of an abstracted front-end, since it has been held that an abstracted front-end is an easy-to-use, high performance interface for interacting with middleware from a plurality of vendors.

42. Regarding claim 33, SET teaches wherein the bank interface is adapted to create and transmit OCSP requests, see column 3, lines 25-47.

43. Regarding claim 34, SET teaches wherein the bank interface comprises a certificate status check module, see column 3, lines 25-47.

44. Claims 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over SET in view of Tozzoli as applied to claim 2 above, and further in view of Linehan.

45. With regards to claim 4, SET does not disclose wherein the service is certificate validation.

46. Linehan discloses certificate validation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include certificate validation, since Linehan states at column 4, lines 23-44 that such a modification would serve to validate that the payment was authorized by the card holder.

47. Regarding claim 22, neither SET nor Tozzoli disclose wherein if the integer value indicates that a signature is required on data in the HTTP request then the Internet server

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application stores a state of the filter engine in a cookie and causes a Web page containing the cookie and an instruction to sign the data to be transmitted to the Web browser.

48. Linehan teaches wherein if the integer value indicates that a signature is required on data in the HTTP request then the Internet server application stores a state of the filter engine in a cookie and causes a Web page containing the cookie and an instruction to sign the data to be transmitted to the Web browser. It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the state of the system to send an indication that the data has to be signed, since Linehan discloses at column 4, lines 9-44 that such a modification would limit the number of unauthorized transactions.

49. Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over SET in view of Tozzoli as applied to claim 1 above, and further in view of U.S. Patent No. 6,052,785 to Lin et al., hereinafter Lin.

50. Regarding claim 10, neither SET nor Tozzoli disclose wherein the Internet server application is adapted to pass a hash table to the filter engine.

51. Lin teaches wherein the Internet server application is adapted to pass a hash table to the filter engine. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the server application pass a hash table to the filter engine, since Lin discloses at column 8, lines 43-56 that such a modification supports authentication, which is necessary to prevent fraudulent transactions.

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52. With regards to claim 11, Lin teaches wherein the hash table comprises the headers from the redirected HTTP request, see figure 3, as well as column 8, line 51 to column 9, line 17.

53. With regards to claim 12, Lin teaches wherein the hash table comprises the method of the redirected HTTP request, see figure 3, as well as column 8, line 51 to column 9, line 17.

54. With regards to claim 13, Lin teaches wherein the hash table comprises the content-type of the redirected HTTP request, see figure 3, as well as column 8, line 51 to column 9, line 17.

55. With regards to claim 14, Lin teaches wherein the hash table comprises the buyer computer's IP address, see figure 3, as well as column 8, line 51 to column 9, line 17.

56. With regards to claim 15, Lin teaches wherein the hash table comprises the actual data in the redirected HTTP request, see figure 3, as well as column 8, line 51 to column 9, line 17.

57. With regards to claim 16, Lin teaches wherein the hash table comprises a unique session ID, see figure 3, as well as column 8, line 51 to column 9, line 17.

Allowable Subject Matter

58. Claims 17-20, 26, 27, 30, 35, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

59. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

60. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

61. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

62. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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63. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christian LaForgia
Patent Examiner
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clf


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